



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 21, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call. Mr. Hudson was absent.

The Invocation was delivered by The Reverend Frank W. Feather, Pastor, Forest Park Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 24, 2001, at 7:00 p.m., and Saturday, May 26, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

PRESENTATIONS:

Introduction of special guests.

The Mayor welcomed a delegation of Ukrainian professionals who are visiting the United States and focusing on environmental issues, with an interest in learning more about how industry and government work together to improve the environment and to gain information about the toxic release inventory system being implemented in the United States.

Proclamation declaring Saturday, May 26, 2001 as Lifeguard 10 Day.
File #3-221

2. CONSENT AGENDA

(Approved 6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #110-132

- C-2 A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of two Council-Appointed officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #110-132

- C-3 A communication from the City Manager requesting a Closed Meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed Meeting.

File #2-104

- C-4 A communication from the City Manager recommending that a public hearing be advertised in connection with transferring real property in the Roanoke Centre for Industry and Technology to Blue Hills Golf Corporation and Anderson Wade Douthat, respectively.

RECOMMENDED ACTION: Concur in recommendation.

File #104-166

- C-5 A communication from Lu Jean Bedard tendering her resignation as a member of the Roanoke Arts Commission, effective immediately.

RECOMMENDED ACTION: Receive and file communication and accept the resignation.

File #110-230

- C-6 Qualification of the following persons:

Rolanda A. Johnson as Assistant City Manager, effective
May 1, 2001;

File #15-104-115

Brenda A. Powell as a member of the Fair Housing Board
for a term ending March 31, 2004; and
File #15-110-178

Alfred T. Dowe and Richard A. Rife as members of the
City Planning Commission for terms ending December 31,
2004.
File #15-110-200

RECOMMENDED ACTION: Receive and file.

- C-7 A communication from the Honorable Ralph K. Smith, Mayor,
requesting a Closed Meeting on a personnel matter to discuss
employment of a person by the City for a specific public purpose,
pursuant to Section 2.1-344(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request to convene in Closed
Meeting.

File #132

REGULAR AGENDA

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

- a. Request to discuss the film industry, its economic impact on the
community, and establishment and financing of the Virginia Highlands
Film Office. Camille Lownds, Director, Virginia Highlands Film Office,
Spokesperson.
Received and filed.
File #207-450

4. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Roanoke City School Board requesting the
close out of 46 school grants which have been completed; and a report
of the Director of Finance recommending that Council concur in the
request.
Concurred in the recommendation.
File #1-236-467

A communication from the Roanoke City School Board requesting appropriation of funds to certain school accounts; and a report of the Director of Finance recommending that Council concur in the request.

**Adopted Ordinance No. 35346-052101 (5-0, Council Member Bestpitch was out of the Council Chamber when the vote was recorded.)
File #1-467**

- b. A communication from Charles P. Shimer, representing the Industrial Development Authority of Montgomery County, requesting concurrence in a resolution adopted by the Authority and approval of a loan for the benefit of Virginia Tech Foundation, Inc., to assist in financing a portion of the cost of acquiring a two-acre parcel of land and construction of an 11,000 square foot building located at 121 Duke of Gloucester Street in the City of Roanoke to be owned by the Foundation and used by its WVTF Radio Station, with other portions of the proceeds to be used to finance facilities in Blacksburg and Alexandria.

**Adopted Resolution No. 35347-052101 (6-0)
File #2-32-207-258-329**

5. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. A communication recommending execution of Amendment No. 5 to the engineering services contract with Black and Veatch, in connection with the Roanoke River Interceptor Sewer Project, in the amount of \$75,000.00; and transferring funds in connection therewith.

**Adopted Ordinance No. 35348-052101 and Resolution No. 35349-052101 (6-0)
File #27**

2. A communication recommending issuance of Change Order No. 1 to the contract with H. & S. Construction Co., for completion of curb, gutter and sidewalk on the south side of Cove Road, N. W., between Abbott Street and Hershberger Road, in the amount of \$75,000.00 and 90 additional days of contract time; and appropriating funds in connection therewith.
Adopted Ordinance No. 35350-052101 and Ordinance No. 35351-052101 (6-0)
File #57
3. A communication recommending authorization to enter into a contract with Hayes, Seay, Mattern and Mattern, Inc., for engineering services in connection with preliminary design/investigation, final design, and contract administration for rehabilitation of Memorial Bridge, in the amount of \$179,850.00; and transferring funds in connection therewith.
Adopted Ordinance No. 35352-052101 and Resolution No. 35353-052101. (6-0)
File #102
4. A communication recommending appropriations in connection with personnel salary lapse funds.
Adopted Ordinance No. 35354-052101 (6-0)
File #385
5. A communication recommending execution of an amendment to the agreement with the Williamson Road Area Business Association, Inc., to eliminate the restriction on the amount of Special Service District funds that may be used for overhead expenses by the Association.
Adopted Ordinance No. 35355-052101 (6-0)
File #342-380
6. A communication with regard to membership of the Regional Community Criminal Justice Board.
Adopted Resolution No. 35356 (6-0)
File #242

b. CITY ATTORNEY:

1. A report transmitting an ordinance repealing and replacing Resolution No. 35285-041601; and accepting the bid of Lanford Brothers Co., Inc., for various repairs to four bridges within the City, upon certain terms and conditions.

Adopted Ordinance No. 35357-052101 (6-0)
File #102

2. A report transmitting an ordinance repealing and replacing Resolution No. 35286-041601; and accepting the bid of Breakell, Inc., for ballfield improvements at two parks within the City, upon certain terms and conditions.

Adopted Ordinance No. 35358-052101 (6-0)
File #67

3. A report with regard to the Railside Linear Park
Adopted Ordinance No. 35359-052101 and Ordinance No. 35360-052101 (5-0, Mayor Smith abstained from voting.)
File #392

6. REPORTS OF COMMITTEES:

- a. A report of the Bid Committee recommending award of a contract to Virginia Infrastructure, Inc., to connect inlets on Yellow Mountain Road to an existing storm drain system on Melcher Street, in connection with the Garden City Storm Drain Project - Phase 7, in the amount of \$80,236.00 and 120 consecutive calendar days; transferring funds in connection therewith; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.

Adopted Ordinance Nos. 35361-052101 and 35362-052101 (6-0)
File #57-110

- b. A report of the Bid Committee recommending award of a contract to Cycle Systems, Inc., for provision of recycling services for paper, bottle and can commodities; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.

Withdrawn.

- c. A report of the Bid Committee recommending award of a contract to Adams Construction Company for paving and profiling of various streets in the City, in the amount of \$1,969,602.91; appropriating and transferring funds in connection therewith; and a statement of concurrence by the City Manager in the recommendation. Council Member W. Alvin Hudson, Jr., Chair.
Adopted Ordinance Nos. 35363-052101 and 35364-052101 (6-0)
File #110-514

7. UNFINISHED BUSINESS: NONE.

8. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance No. 35320, on second reading, changing the rate structure and establishing a revised rate schedule for septic tank disposal fees and for certain water rates and related charges for services provided by the City, effective August 1, 2001; and directing amendment of the Fee Compendium.
Adopted Ordinance No. 35320-052101 (5-1, Ms. Wyatt voted no.)
File #27-289

9. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Vice-Mayor Carder commended the Roanoke City School Board and School officials on a recently conducted tour of City schools for real estate agents.

Council Member Bestpitch advised that he has a conflict of interest with regard to Resolution No. 35319-050701, which was adopted by Council on Monday, May 7, 2001, that authorizes the City Manager to submit an approved annual update to the HUD Consolidated Plan for Fiscal Year 2001-2002, which Plan includes funding for the YMCA. Inasmuch as his spouse is employed by the YMCA, he requested that he be permitted to change his affirmative vote to an abstention. Council unanimously concurred in the request.

Council Member Wyatt acknowledged the contributions of the Sheriff's Office and City Jail inmates in connection with construction of the new joint training facility for Fire and EMS personnel.

Council Member White requested that the matter of acknowledging the contributions of Deborah Moses, Executive Director, Hotel Roanoke Conference Center, and others in connection with resolving construction problems at the Hotel Roanoke Conference Center be referred to the City Manager, City Attorney and City Clerk for preparation of the proper measure for adoption by Council at its regular meeting on Monday, June 4, 2001.

Council reaffirmed its opposition to the proposed routing of I-73 through the southeast quadrant of the City, and instructed the City Manager to communicate Council's position to the appropriate Virginia Department of Transportation officials and to the City's representatives to the General Assembly. (Mayor Smith voted no.)

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

10. OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED, WITHOUT OBJECTION, IMMEDIATELY, FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

AT 3:15 P.M. THE MEETING OF ROANOKE CITY COUNCIL WAS DECLARED IN RECESS AND IMMEDIATELY RECONVENED IN THE CITY COUNCIL'S CONFERENCE ROOM FOR THE PURPOSE OF CONDUCTING A STAFF BRIEFING WITH REGARD TO REGIONAL REFUSE COLLECTION.

A staff briefing on regional refuse collection was received and filed.

Two Closed Sessions were held immediately following the briefing in the Council's Conference Room.

CERTIFICATION OF CLOSED SESSION. (6-0)

THE MEETING OF ROANOKE CITY COUNCIL WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P. M., IN THE COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 21, 2001
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. Mr. Hudson was absent.

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

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A. PUBLIC HEARINGS:

1. Public hearing on a request of John G. Moore, Jr., that a tract of land lying at 1901 Memorial Avenue, S. W., being a portion of Lot 15, Block 5, Section 1, Virginia Heights, identified as Official Tax No. 1330303, be rezoned from C-1, Office District, to CN, Neighborhood Commercial District. John G. Moore, Jr., Spokesperson.

Adopted Ordinance No. 35365-052101 (6-0)

File #51

Council authorized the City Manager to negotiate the acquisition of property across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility (stadium and amphitheater), at a project cost not to exceed \$18 million, with a report back to Council on negotiations.

2. Public hearing on a request of Oakley L. Covey that property located at the northwest corner of the intersection of Old Salem Road and Overland Avenue, S. W., located at 3233 Old Salem Road, identified as Official Tax No. 5210402, be rezoned from LM, Light Manufacturing District, to RS-2, Single-Family Residential District. Ross C. Hart, Attorney.

Adopted Ordinance No. 35366-052101 (6-0)

File #51

3. Public hearing on a request of CHS, Inc., and Calvert L. Saunders, Vice President, Administration, Moore's Lumber and Building Supplies, Inc., that a tract of land located on the north side of Franklin Road, S. W., at its intersection with Roberts Road, containing 7.2716 acres, more or less, identified as Official Tax No. 1280602, be rezoned from C-2, General Commercial District, to LM, Light Manufacturing District, subject to certain proffered conditions. Michael G. Ballantyne, Officer, CHS, Inc., Spokesperson.

Adopted Ordinance No. 35367-052101 (5-0, Council Member White abstained from voting.)

File #51

4. Public hearing to receive citizen input on a proposed conveyance of City-owned property identified as Official Tax Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W., to Roanoke Downtown Properties, LLC, or its assigns. Darlene L. Burcham, City Manager.

No action was taken.

5. Public hearing on a proposed amendment to Section 7-1, Penalty for violations of chapter, Section 7-3, Building commissioner appointed enforcing official, and Subsections (a) and (b) of Section 7-45, Appeals, of Chapter 7, Building Regulations; and amending subsection (d) of Section 36.1-327, Historic district regulations; certificate of appropriateness, and subsection (f) of Section 36.1-345, District regulations; certificate of appropriateness, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for code officials responsible for inspections under, and enforcement and administration of, the property maintenance code and all other codes within the building code, and the delegation of authority of those officials. Darlene L. Burcham, City Manager, and D. Kent Chrisman, Chair, City Planning Commission.

Adopted Ordinance No. 35368-052101 (6-0)

File #24

6. Public hearing on a proposed amendment of Division 5, Special District Regulations, of Article III, District Regulations, by the addition of a new subdivision entitled Subdivision H, INPUD, Institutional Planned Unit Development District; and amending Section 36.1-562, Standards, of Division 12, Group Care Facilities, of Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for a new institutional planned unit development district. D. Kent Chrisman, Chair, City Planning Commission.

Adopted Ordinance No. 35369-052101 (6-0)

File #24-51

7. Public hearing to receive citizen input on the proposed lease of City-owned property located at 515 and 530 Eighth Street, S. W., identified as Official Tax Nos. 1113111 and 1113210, to the Commonwealth of Virginia Department of Health, for a period of three years. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 35370-052101 (6-0)

File #22-166-373

8. Public hearing to receive citizen input on a proposed encroachment of an overhead projection sign extending at least 11 feet above the sidewalk and approximately 18 inches into the public right-of-way adjacent to property located at 110 Church Avenue, S. W., identified as Official Tax No. 1012211. Darlene L. Burcham, City Manager

Adopted Ordinance No. 35371-052101 (5-0, Mayor Smith abstained from voting.)

File #107

B. OTHER HEARING OF CITIZENS:

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Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, inquired as to the fate of Victory Stadium in view of Council's previous motion to negotiate for acquisition of property across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility. He requested that Victory Stadium, at its current location, continue to be used by the City.

Mr. Robert Gravely, 1412 Moorman Road, N. W., addressed Council with regard to increased wages for the City work force.

COUNCIL RECONVENED IN CLOSED SESSION TO DISCUSS TWO PERSONNEL MATTERS.

CERTIFICATION OF CLOSED SESSION. (6-0)